

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 15 2011 ★

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., for itself and on behalf of
its members, and MARCUS HAYWOOD, CANDIDO
NUÑEZ and ROGER GREGG, individually and on behalf
of a class of all others similarly situated,

Plaintiffs-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant.

**NINTH STATEMENT OF
FEES & EXPENSES**

07-cv-2067 (NGG)(RLM)

MARY JO WHITE, Special Master.

The Special Master submits this Ninth Statement of Fees and Expenses pursuant to the Court's June 1, 2010 Order Appointing Special Master (the "Appointment Order") (Dkt. No. 448, ¶ 14). The Appointment Order requires that:

Every 60 days, the Special Master shall submit to the court an itemized statement of fees and expenses, which the court will inspect for regularity and reasonableness. If the court determines the itemized statement is regular and reasonable, the court will sign it and transmit it to the parties. The City shall then remit to the Special Master any court-approved amount, within 20 calendar days of court approval.

(*Id.*)

Because the last day of November falls outside the 60-day period in which the Appointment Order requires the Special Master to file the next itemized statement of fees and expenses, the Special Master sought leave, and the Court granted permission to file this Statement on December 2, 2011, so that it will reflect the fees and expenses incurred by the Special Master's expert (Dr. Pittman) for the full months of October and November.

The Special Master and her law firm have agreed to work on a pro bono basis and accordingly, there are no fees to be paid. For the period of September 12, 2011 through November 30, 2011, the Special Master has incurred expenses totaling \$1,627.01.¹ An itemized list of the expenses is attached as Exhibit 1.

This statement also includes Dr. Pittman's fees and expenses for the months of October and November. For the month of October, her fees were \$15,687.50 and her expenses were \$2,548.36, for a total of \$18,235.86. For the month of November, Dr. Pittman's fees were \$7,375.00, and she did not incur any expenses, for a total of \$7,375.00. Invoices for Dr. Pittman's fees and expenses are attached hereto as Exhibits 2 and 3. The fees incurred for the months of October and November fall within the projected monthly fees of between \$7,000 to \$17,000 stated in the Special Master's Application for Approval of Proposed Budget for Special Master's Expert Consultant (Dkt. No. 516), which was approved by the Court on September 3, 2010 (Dkt. No. 519).

¹ This statement includes some expenses for September. Those expenses were not included in the prior statement of expenses because the relevant invoices were not received in advance of submitting that statement.

Accordingly, the total expenses for the Special Master's work for this period were \$27,237.87. We respectfully request that that Court approve all of these expenses. The Special Master respectfully requests, however, that the Court's order deduct \$1,473.16 from the amount due to Dr. Pittman from the City in order to offset an overpayment by the City during the last billing period, which resulted from an error in the Statement of Expenses filed on September 30, 2011 (Dkt. No. 742). (Although the error was corrected in the Amended Statement of Expenses filed on October 25, 2011 and approved by the Court on November 22, 2011 (Dkt. No. 761), the City had remitted payment prior to the filing of the amended statement.) A statement reflecting the overpayment disbursed in connection with Dr. Pittman's fees and expenses for September 2011 is attached hereto as Exhibit 4.

/s/ Mary Jo White

Mary Jo White

Dated: December 2, 2011

Payment of expenses
identified above is
approved.
So ordered
s/Nicholas G. Garaufis
12/13/11

EXHIBIT 1

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
Fax 212 909 6836
www.debevoise.com

***EASTERN DISTRICT OF NEW YORK-Special Master
Appointment***

12/01/2011

Invoice No.:1238749

Disbursements and Charges itemized for the period Sep 12, 2011 to Nov 30, 2011.

Eastern District of New York - Special Master Appointment

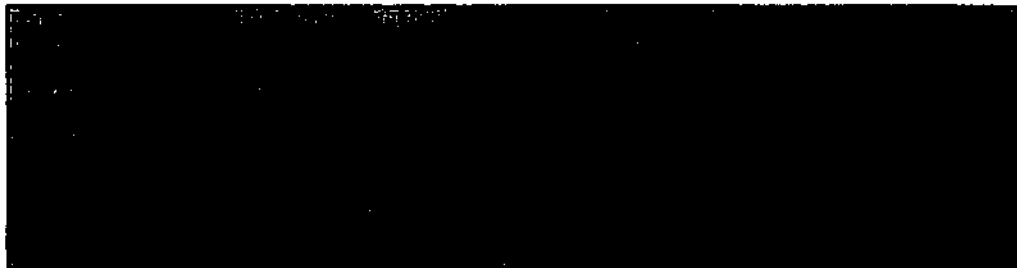
<u>Description</u>	<u>Amount</u>
Duplicating	\$500.20
Telephone Toll Calls, Conferencing & Outside Vendors	\$378.35
Research Services	\$717.41
Lawyer Late Night Transportation	\$31.05
Matter Total	\$1,627.01

EXHIBIT 2

Invoice for Services from:
The Pittman McLenagan Group, L.C.
 6626-A Wilson Lane
 Bethesda, MD 20817
 301.320.9500
 Tax Identification #: 52-1924078
 PMG Contact:
 Shane Pittman, Ph.D.
 301-320-9500

Invoice to:
 Philip A. Fortino
 Debevoise & Plimpton LLP
 919 Third Avenue
 New York, New York 10022

Billing Hours for Client: NYC v US
 Oct-11



Date	Project Description	Hours	Cost
10/3/2011	Reviewed materials	0.75	\$187.50
10/3/2011	Meeting with experts	1.25	\$312.50
10/4/2011	Reviewed materials	0.25	\$62.50
10/4/2011	Meeting with experts	1.25	\$312.50
10/5/2011	Reviewed materials	0.50	\$125.00
10/5/2011	Reviewed materials	0.50	\$125.00
10/6/2011	Meeting with experts	4.00	\$1,000.00
10/6/2011	Call with C. Dike-Minor and P. Fortino	1.00	\$250.00
10/7/2011	Call with experts	1.00	\$250.00
10/7/2011	Call with Special Master, parties, experts	0.50	\$125.00
10/9/2011	Reviewed materials	1.00	\$250.00
10/10/2011	Meeting with experts	12.00	\$3,000.00
10/11/2011	Meeting with experts	7.75	\$1,937.50
10/12/2011	Call with Special Master and team	0.50	\$125.00
10/12/2011	Call with Special Master, parties, experts	1.00	\$250.00
10/13/2011	Meeting with experts	2.50	\$625.00
10/14/2011	Reviewed/responded to correspondence	0.25	\$62.50
10/14/2011	Call with Special Master, unions, parties, experts	0.25	\$62.50
10/17/2011	Reviewed materials	0.50	\$125.00
10/17/2011	Call with C. Dike-Minor	1.00	\$250.00
10/18/2011	Call with C. Dike-Minor	0.50	\$125.00
10/18/2011	Call with Special Master, parties, experts	1.00	\$250.00
10/20/2011	Meeting with experts	1.50	\$375.00
10/21/2011	Meeting with experts	1.50	\$375.00
10/24/2011	Meeting with experts	9.00	\$2,250.00
10/25/2011	Meeting with experts	7.50	\$1,875.00
10/26/2011	Call with P. Fortino	0.50	\$125.00
10/31/2011	Meeting with experts	2.50	\$625.00
10/31/2011	Reviewed materials	0.50	\$125.00
10/31/2011	Reviewed materials	0.50	\$125.00
			\$0.00
		62.75	\$15,687.50
		Expenses	\$2,548.36
		Total	\$18,235.86

EXHIBIT 3

Invoice for Services from:
 The Pittman McLenagan Group, L.C.
 6626-A Wilson Lane
 Bethesda, MD 20817
 301.320.9500
 Tax Identification #: 52-1924078
 PMG Contact:
 Shane Pittman, Ph.D.
 301-320-9500

Invoice to:
 Philip A. Fortino
 Debevoise & Plimpton LLP
 919 Third Avenue
 New York, New York 10022

Billing Hours for Client: NYC v US
 Nov-11



Date	Project Description	Hours	Cost
11/1/2011	Call with Special Master, parties, experts	1.00	\$250.00
11/3/2011	Conducted research	0.75	\$187.50
11/3/2011	Meeting with experts	3.00	\$750.00
11/4/2011	Call with experts; Conducted research	2.25	\$562.50
11/6/2011	Reviewed materials	1.00	\$250.00
11/7/2011	Reviewed materials	0.25	\$62.50
11/8/2011	Call with Special Master, parties, experts	1.00	\$250.00
11/8/2011	Reviewed materials	1.00	\$250.00
11/8/2011	Meeting with experts	1.50	\$375.00
11/9/2011	Reviewed materials	0.50	\$125.00
11/9/2011	Reviewed/responded to correspondence	0.75	\$187.50
11/11/2011	Reviewed materials	0.75	\$187.50
11/11/2011	Call with experts	1.00	\$250.00
11/13/2011	Reviewed/responded to correspondence; Reviewed materials	1.00	\$250.00
11/14/2011	Call with experts	0.50	\$125.00
11/14/2011	Reviewed materials	0.25	\$62.50
11/16/2011	Reviewed materials	0.50	\$125.00
11/16/2011	Call with C. Dike-Minor	0.25	\$62.50
11/17/2011	Reviewed/responded to correspondence	0.25	\$62.50
11/17/2011	Reviewed materials	1.00	\$250.00
11/18/2011	Reviewed materials	1.00	\$250.00
11/18/2011	Call with experts	1.00	\$250.00
11/18/2011	Call with C. Dike-Minor	0.50	\$125.00
11/20/2011	Reviewed materials	1.50	\$375.00
11/21/2011	Call with P. Fortino and C. Dike-Minor	1.25	\$312.50
11/23/2011	Reviewed materials	1.00	\$250.00
11/26/2011	Reviewed materials	0.50	\$125.00
11/28/2011	Call with C. Dike-Minor	0.50	\$125.00
11/28/2011	Call with experts	1.50	\$375.00
11/29/2011	Reviewed materials	0.25	\$62.50
11/29/2011	Reviewed materials	0.75	\$187.50
11/30/2011	Reviewed materials	0.25	\$62.50
11/30/2011	Reviewed materials; call with C. Dike-Minor	1.00	\$250.00
		26.50	
		Expenses	\$0.00
		Total	\$7,375.00

EXHIBIT 4

